

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:17-mj-00048-HKS All Defendants

Case title: USA v. Smith

Date Filed: 03/30/2017

Other court case number: 15 CR 350 Northern District of Ohio
(Eastern Division)

Assigned to: Hon. H. Kenneth
Schroeder Jr.

Defendant (1)

Richard Smith

represented by **Jeffrey T. Bagley**
Federal Public Defender
300 Pearl Street
Suite 200
Buffalo, NY 14202
716-551-3341
Email: jeffrey_bagley@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

18:922G.F

Disposition

Plaintiff

USA

represented by

John D. Fabian
 U.S. Attorney's Office
 Federal Centre
 138 Delaware Avenue
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ATTORNEY TO BE NOTICED
Designation: government attorney

Date Filed	#	Page	Docket Text
03/30/2017			Arrest (Rule 5) of Richard Smith (LMG) (Entered: 04/07/2017)
04/07/2017	1	3	Rule 5(c)(3) Documents Received as to Richard Smith (LMG) (Entered: 04/07/2017)
04/07/2017			<p>Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.: Status Conference as to Richard Smith held on 4/7/2017.</p> <p>Defendant suffered a stroke shortly after he was arrested and had to undergo surgery. He remains hospitalized with paralysis and limited brain function. He is being guarded by the U.S. Marshals service 24 hours a day.</p> <p>Court granted government's request to release defendant on his own recognizance. Defendant's arraignment on the charges will be held in abeyance until his health permits an appearance. Status Conference set for 5/5/2017 at 10:30 AM before the Hon. H. Kenneth Schroeder, Jr. Time to 5/5/2017 excluded for purposes of the STA pursuant to Title 18 USC 3161(h)(1)(A), (h)(7)(A) and (h)(7)(B)(iv).</p> <p>Appearances: AUSA John Fabian; AFPD Jeffrey Bagley on behalf of defendant; USMS Deputy Rebecca Smith. (Court Reporter FTR Gold.)(LMG) (Entered: 04/07/2017)</p>
05/05/2017			<p>Minute Entry for proceedings held before Hon. H. Kenneth Schroeder Jr.:Status Conference as to Richard Smith held on 5/5/2017.</p> <p>APFD Jeffrey Bagley advised that defendant has been transferred to a hospital in Cleveland, Ohio. Since the defendant is now back in the Northern District of Ohio, there is nothing more for this Court to do.</p> <p>Appearances: AUSA John Fabian; APFD Jeffrey Bagley on behalf of defendant. (Court Reporter FTR Gold.)(LMG) (Entered: 05/05/2017)</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	<u>INDICTMENT</u>
)	
Plaintiff,)	
)	
v.)	CASE NO. _____
)	Title 18, Section 922(g)(1),
RICHARD SMITH,)	United States Code
)	
Defendant.)	
)	

COUNT 1

The Grand Jury charges:

On or about October 1, 2014, in the Northern District of Ohio, Eastern Division, the defendant, RICHARD SMITH, having been convicted of crimes punishable by a term of imprisonment exceeding one year, those being: Burglary and Theft in the Cuyahoga County Court of Common Pleas under Case Number CR-05-469680-A on May 20, 2008, did knowingly possess in and affecting interstate commerce the following three firearms:

1. P. Beretta, model C+4 Storm, 9 mm semi-automatic rifle, serial number CX00838

2. Romarm/Cugir, model WASR-10, 7.62 x .39 caliber, semi-automatic rifle, serial number 1-50800-03; and
3. Bushmaster, model XM15-ELS, .223 caliber semi-automatic rifle, serial number L216201.

All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the allegation of Count 1 is incorporated herein by reference. As a result of the foregoing offense, defendant RICHARD SMITH shall forfeit to the United States any and all property (including firearms and ammunition) involved in or used in the commission of such violations; including, but not limited to, the following:

- a. P. Beretta, model C+4 Storm, 9 mm semi-automatic rifle, serial number CX00838;
- b. Romarm/Cugir, model WASR-10, 7.62 x .39 caliber, semi-automatic rifle, serial number 1-50800-03; and,
- c. Bushmaster, model XM15-ELS, .223 caliber semi-automatic rifle, serial number L216201.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

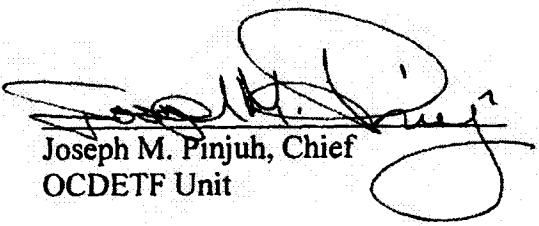
United States v. Richard Smith

A TRUE BILL.

FOREPERSON

STEVEN M. DETTELBACH
United States Attorney

By:


Joseph M. Pinjuh, Chief
OCDETF Unit

UNITED STATES DISTRICT COURT

FD# 9904841

for the

Northern District of Ohio

United States of America

v.

RICHARD SMITH

Case No.

1 15 CR 350

JUDGE BOYKO

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) RICHARD SMITH

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 922(g)(1) Felon in possession of a firearm

2015 SEP 24 PM 1 18
 RECEIVED
 U.S. DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 CLEVELAND, OHIO
 BY: [Signature]

GERI M. SMITH

By: Geri M. Smith

Issuing officer's signature

Date: 09/23/2015

Gregory A. White, United States Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title